UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

VENSON LANE MYERS Plaintiff, v. L.E.SCRIBNER, et al. Defendants.	)))))))))	Civil No.08cv117 W (WMc) **ORDER GRANTING DEFENDANTS' *EX PARTE* APPLICATION TO STAY DISCOVERY** [Doc. No. 9]

On August 13, 2008, Defendants filed an *ex parte* application for stay of discovery pending adjudication of Defendants' anticipated motion to dismiss Plaintiff's complaint. [Doc. No. 9 at 2:1-10..] A motion to dismiss under FED. R. CIV. P. 12(b)(6) tests the legal sufficiency of the claims in the complaint. Accordingly, there is no need for discovery on the merits at this early stage of the litigation. Good cause appearing, Defendants' *ex parte* application is **GRANTED**.

IT IS SO ORDERED.

DATED: August 14, 2008

Hon. William McCurine, Jr.
U.S. Magistrate Judge
United States District Court

Copy to:

HONORABLE THOMAS J. WHELAN, U.S. DISTRICT COURT

ALL COUNSEL OF RECORD